

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: 3/1/07
	Section 12: Evaluating Background Checks for DCS Contractors	Version: 1

POLICY	OLD POLICY: 613.1
---------------	--------------------------

The Indiana Department of Child Services (DCS) Central Office Background Check Unit will evaluate all Federal Bureau of Investigation (FBI) transcript reports and fingerprint-based Indiana State Criminal History Check reports received and notify the appropriate agency of the qualification status of the subject of the check.

DCS contractors will receive notice stating whether the subject of the check is qualified, conditionally disqualified or disqualified for contracting based upon the results of the official FBI transcript but will not receive a copy of the official FBI transcript.

For contractors, DCS Central Office Background Check Unit will disqualify the subject of a criminal history check based on the following criterion:

1. Any misdemeanor related to the health and safety of a child.
2. Any felony.

Note: This relates to the subject who has or will have, in connection with performance of any services or activities pursuant to the applicant's contract, direct contact, on a regular and continuing basis, with children.

DCS Central Office Background Check Unit will consider a request for waiver of the disqualifying felony if:

1. the person convicted of the felony submits written evidence that would convince a reasonable person that he/she has been rehabilitated and that he/she does not pose a risk to the health, welfare and/or safety of children. The letter must be signed by the person convicted of the felony, the human resource officer of the employing agency and the agency director.
2. The Central Office contract manager and the Background Check Review Team agree in writing that the felony will not be used as grounds for denial of the contract.

The Background Check Review Team will consist of the regional manager and local office director in the county/region where the subject is requesting employment and a member of the Central Office Background Check Unit. A waiver may be granted if the following conditions apply:

1. The applicant was convicted for a felony not listed below.
2. The subject of the check is not currently on probation or parole.

DCS Central Office Background Check Unit will not accept requests for waivers for a misdemeanor related to the health and safety of a child or for one of the following felonies:

1. Murder (IC 35-42-1-1)
2. Causing suicide (IC 35-42-1-2)
3. Assisting suicide (IC 35-42-1-2.5)

4. Voluntary manslaughter (IC 35-42-1-3)
5. Reckless homicide (IC 35-42-1-5)
6. Battery (IC 35-42-2-1)
7. Domestic Battery (IC 31-27-4-13)
8. Aggravated battery (IC 35-42-2-1.5)
9. Kidnapping (IC 35-42-3-2)
10. Criminal confinement (IC 35-42-3-3)
11. A felony sex offense under IC 35-42-4
12. Carjacking (IC 35-42-5-2)
13. Arson (IC 35-43-1-1)
14. Incest (IC 35-46-1-3)
15. Neglect of a dependent (IC 35-46-1-4(a)(1) and (IC 35-46-1-4(a)(2))
16. Child selling (IC 35-46-1-4(d))
17. A felony involving a weapon under IC 35-47 or IC 35-47.5
18. A felony relating to controlled substances under IC 35-48-4
19. An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3
20. A felony that is equivalent to a felony listed in subdivisions (1) through (19) for which the conviction was entered in another state.

For contractors, DCS Central Office Background Check Unit will conditionally disqualify an applicant based upon criminal history:

1. for any criminal charges that do not have a disposition. The applicant will remain in conditionally disqualified status until the applicant provides the Central Office Background Check Unit with a copy of the court docket from the county clerk or from the court where the charges were filed to verify the disposition or amendment of the charges or arrest.
2. if the applicant has been convicted of four (4) or more crimes. The subject of the check will remain in conditionally disqualified status until the subject provides the Central Office Background Check Unit with verification that would convince a reasonable person that the applicant would not pose a threat to the safety or well-being of a child placed in his/her care.

The contractor will evaluate the results of the following:

1. Child Protection Services History
2. Sex and Violent Offender Registry
3. Local police/sheriff records

Code References

PROCEDURE

The contractor will complete the following steps:

1. If the subject of the criminal history check is qualified, complete the evaluation of the criminal history and background check process.
2. If the subject of the criminal history check is conditionally disqualified, immediately have the subject of the check contact the Central Office Background Check Unit for information on the specific arrests or charges to determine if additional information is needed. It is the responsibility of the subject of the check to

- provide the Central Office Background Check Unit information to verify the disposition of all arrests and charges.
3. If the subject of the criminal history check is disqualified, Immediately have the subject of the check contact the Central Office Background Check Unit if he/she wishes to challenge the disqualification.

To receive a waiver or conditional disqualification resolution:

1. the person convicted of the felony must submit a letter that includes the following:
 - i. The length of time that has passed since the conviction, juvenile adjudication or child abuse/neglect substantiation.
 - ii. The severity of the offense.
 - iii. Evidence of the person's rehabilitation.
 - iv. The letter must be signed by the subject of the check, the human resource officer of the employing agency and the agency director. An appropriate representative of the agency may submit a letter of support for the subject of the check if he/she so desires.
2. All decisions regarding waiver request and conditional disqualification resolutions must be approved by a Background Check Review Team. The team will consist of the regional manager and local office director in the county/region where the subject is requesting employment and a member of the Central Office Background Check Unit. The team decision can be made via e-mail, telephone or in person.

Upon receiving a qualified status or approved waiver, the contractor will take the following steps:

1. Conduct and evaluate the results of the child protection services history check.
If the subject of the check has been named as a perpetrator of child abuse or neglect, the investigative results SF113/CW0311, Investigation of Alleged Child Abuse or Neglect must be sent to the Central Office Contract Manager for evaluation.
2. **Note:** Only the Central Office Contract Manager may approve contracting with an agency or individual if the subject of a check has been named as a perpetrator of child abuse or neglect. Conduct and evaluate the results of the Sex and Violent Offender Registry Check.
No employee or volunteer of the contractor may be a registered sex or violent offender.
3. Conduct and evaluate the results of the local police/sheriff checks.
If the subject of the check had been previously qualified by the Central Office Background Check Unit and the local police/sheriff check reveals a conviction or arrest without a disposition, a copy of the criminal history check must be submitted to the Central Office Background Check Unit for review. The Central Office Background Check Unit will evaluate the criminal history report and send a letter regarding the qualification status to the appropriate agency.

PRACTICE GUIDANCE

FORMS AND TOOLS

RELATED INFORMATION
